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*BCL*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/117,799	08/06/98	FRAAS	W P98.1428

HILL STEADMAN & SIMPSON  
85TH FLOOR SEARS TOWER  
CHICAGO IL 60606

LM12/0710

EXAMINER

TSEGAYE, S

ART UNIT	PAPER NUMBER
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2738

*6*

DATE MAILED:

07/10/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/117,799

Applicant(s)  
Fraas et al.

Examiner  
Saba Tsegaye

Group Art Unit  
2738



☒ Responsive to communication(s) filed on Aug 6, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-4 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Claim number indicated on page 4 line 5 should be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Eakins et al.

Eakins et al. disclose, in Figs. 1 and 2, a customer premises equipment 12 is interconnected with off-site equipment 14 via network system 16 (claimed a transmission system for transmitting digital signals, in TDM channels between an ET and LT). Further Eakins et al. show, in Fig 2, an ATM adapter 88 and 89 (claimed means for converting TDM data into ATM cells), a switching circuitry 76, a PBX 32, and an ATM UNI port 82 (claimed switching devices

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are connected to a single user of the ATM network). See column 3, lines 10-60, and column 6, lines 1-10.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saijonmaa et al. describe a method for establishing a user-network interface in a digital transmission network for a cell-based digital comprising cells of fixed length and having a high nominal bit rate.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday through Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

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(703) 308-6743 or (703) 305-3988

**For informal or draft communications, please label ("PROPOSED" or "DRAFT")**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Saba Tsegaye

Patent Examiner

June 28, 2000

*Sewa S. Rao*  
*Primary Examiner*  
*Art unit 2732*